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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,888	08/03/2001	Brian Davidson	367.40417X00	9821

20457 7590 01/28/2005

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,888

Applicant(s)

DAVIDSON ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The applicant has elected claims 7-11 in Response to Election/Restriction Filed on 09/22/204. In fact, claim 11 is dependent on claim 3. Therefore, group I is consisting of claims 1-6, 11 and group II is consisting of claims 7-10. For the sake of prosecution, examiner has considered group II consisting of claims 7-10.

Response to Arguments

2. Applicant's arguments mailed on 06/14/04 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (U. S. Patent No. 6,512,919) and in view of Bhogal et al. (U. S. Patent No. 6,751,298).

Regarding claims 7, 8 and 10, Ogasawara teaches a transmitter for transmitting a telephone's number (i.e., identity tag) indicative of the identity of the wireless

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videophone (i.e., portable radio communication device) (fig.2, 6; col.6, lines 5-11, col.12, lines 30-36).

Ogasawara further teaches that the server (i.e., object device) comprising a telephone interface (i.e., receiver), and a processor (fig.2, 6). (Note: processor is inherent in the server)

Ogasawara further teaches that in response to the telephone interface receiving a telephone's number transmitted from a wireless videophone (i.e., portable radio communication device), the processor authorizing the retrieving (i.e., downloading) of description and price of items (i.e., information) via the network to a wireless videophone (i.e., remote server or terminal) in accordance with address information associated with the telephone's number (fig.2, 6; col.5, lines 31-40, col.6, lines 5-11, 42-52, col.12, lines 30-36, col.21, lines 24-34).

However, Ogasawara does not specifically teach downloading of information via the network to a remote server or terminal in accordance with address information associated with the identity tag. Bhogal teaches downloading of information via the network to a remote server or terminal in accordance with address information associated with the identity tag (fig.1, 8; col.4, lines 3-6, col.7, line 60-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogasawara to download of information via the network to a remote server or terminal in accordance with address information associated with the identity tag as taught by Bhogal. The motivation for the modification is to have doing so in order to retrieve the message for later use.

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Regarding claim 9, Ogasawara teaches that the mobile terminal (i.e., portable radio communication device) is inherently a passive device (fig.2).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rupport et al. (U.S. Patent No. 5,424,524) teach Personal scanner/computer for displaying shopping lists and scanning barcodes to aid shoppers and Nishida (U.S. Pub. No. 2001/0041563) teach Remote control method and system, server, data processing device, and storage medium.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822.

The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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M.E.

MD SHAFIUL ALAM ELAHEE

January 24, 2005



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